

DIAA Board of Directors' Meeting Minutes
September 16, 2010 – 9:00 a.m.
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:20 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Dr. Mark Holodick, Michael Wagner, Curtis Bedford, Eugene Montano, Craig Eliassen, Laura Leone, Catherine Marvel, Harvey Hyland, Susan Coffing, Teresa Taylor, Dr. Jeffrey Hawtof, Woody Long, Randall O'Neal, Ron Eby, and Dr. Amelia Hodges. Paula Fontello, Deputy Attorney General and Kevin Charles, Executive Director were also in attendance. Edna Cale, Dr. Dianne Sole, Pam Love, and Darryl Parson were unable to attend

C. Approval of Agenda

Ms. Marvel made a motion to approve the agenda. The motion was seconded by Mr. Long and carried unanimously.

D. Approval of Minutes of August 12, 2010 Board of Directors' Meeting

Mr. Eby made a motion to approve the minutes of the August 12, 2010 Board of Directors meeting. The motion was seconded by Mr. Montano and carried unanimously.

E. DIAA Financial Report

Mr. Charles stated that for the reporting period of August 3 – September 9, 2010 the total revenue was \$32,600.00 which brings us up to \$63,742.50 which is 9% of the projected revenue. The revenue is primarily from member school dues and officials dues. Mr. Charles then stated that the expenses to date are \$126,625.50 and the expenses for the reporting period are \$79,768.05 which are primarily from the catastrophic insurance, board expenses, publications, Arbiter; which is an assigning software that the athletic directors use, NFHS member dues, half of the DIAA Scholarships, Sportsmanship banners, NFHS student leadership conference and the DIAA Student Leadership Conference. Mr. Charles stated that we are operating at a \$62,881.00 deficit which is normal for this time of year. Mr. Long made a motion to approve the financial report. The motion was seconded by Mr. Bedford and carried unanimously.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles commented that the 36 sanctioned events meet the necessary NFHS and DIAA criteria. Dr. Hawtof made a motion to approve the sanctioned events. The motion was seconded by Mr. Eliassen and carried unanimously.

H. Self-Report by Archmere Academy

Mr. Charles explained that he received a letter from Archmere Academy's athletic director, Bob Depew, self-reporting a violation of DIAA Regulation 1009.6.3.2.3. which has to do with individual attendance at private commercial camps and clinics. Mr. Charles commented that several members of the Archmere Cross Country team as individuals went to a cross country camp at Virginia Tech. Mr. Charles explained that the coach signed out a school van and provided transportation to the camp for the attendees which is in violation of DIAA rules. Mr. Charles stated that there is no specific penalty prescribed for this violation in the DIAA Handbook. Mr. Charles stated that the school has not taken disciplinary action because they were waiting to see what penalty DIAA would propose and wanted to work in conjunction with DIAA. Mr. Charles stated that he questioned the policy that Archmere Academy has for signing out a vehicle. Mr. Charles stated that according to school officials the current written policy is minimal. Mr. Charles suggested that the coach receive a written reprimand and the school be advised that they need to improve tracking the usage of their vehicles. Mr. Charles stated that the students paid their own fee to attend this camp. Mr. Eby commented that he agrees with Mr. Charles's recommendation and that this should also discuss the use of school vehicles at the Athletic Directors Annual Meeting. Mr. Long made a motion to send a letter of reprimand to the coach and to also refer this to the Rules and Regulations Committee. The motion was seconded by Dr. Hawtof and carried unanimously.

B. Request for a Waiver of DIAA Reg. 1009.2.4 by Sussex Central for B. L.

Mr. Kobasa and Mr. Long recused themselves. Ms. Fontello explained since the chair was recusing and the vice chair was filling in she was going to be helping with the procedure. Mr. Bradley Layfield; representing Sussex Central High School, William Lewis; father of student, Verna Williams; mother of the student, Tom Pederson; Council for student, and Student were in attendance to present this request. Ms. Fontello stated that the student confirmed that he is not 18 years of age and his parents will be making decisions for him and that he is represented by council. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 12 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons

participating in this hearing were sworn in. Ms. Fontello then reviewed all documents pertaining to this hearing. Mr. Pederson presented his opening statement and proceeded with presenting Student's case. Mr. Pederson also stated that he is not being paid to represent Brandon today and that he is representing him because of their friendship of four years. Mr. Peterson also advised that Brandon is a good honor student and has made a decision to attend Sussex Central regardless of the athletic consequences. Brandon testified regarding his waiver request. Student stated that he is a junior at Sussex Central and stated that he takes college prep and honors classes and maintains a B average. Brandon testified that he intends to attend college. Brandon also stated that he attended Georgetown Elementary and at that time he lived in Georgetown. Brandon stated that his family then moved to Ellendale and he remained in the Indian River School District until the 5th grade. Brandon stated that he and his father then moved to Milton at which time he changed schools and enrolled in Mariner Middle School but told his father that he wanted to stay in the Indian River School District. Brandon stated that he completed a choice application to attend Millsboro Middle School but that he was put on a waiting list. Brandon stated that he could not attend Millsboro Middle School due to the lack of transportation from Milton to Millsboro Middle School. Brandon stated that he began high school at Cape Henlopen High School which was his home school. Brandon stated that his father instructed him to attend Sussex Tech Vo-Tech during his 9th grade year. Brandon attended Sussex Vo-Tech for his 9th grade and 10th grade years. Brandon commented that he approached his father and told him that he wanted to attend Sussex Central High School and eventually withdrew from Sussex Tech. Brandon stated that he did not think there was a problem with eligibility because they changed residence.

Mr. Lewis provided testimony regarding Student's waiver request. He explained that his son was born in Georgetown and attended school there as well. Mr. Lewis stated that they moved to Ellendale and had to school choice to remain in North Georgetown Elementary. Mr. Lewis stated that Brandon's mother helped with the transportation until he and the mother separated and he moved to Milton. Mr. Lewis further explained that transportation began to be a problem and Brandon had to go to school in the Cape Henlopen School District. Mr. Lewis commented that when Brandon entered high school he expressed to him that he wanted to attend Sussex Central High School but that the transportation would be a problem. Mr. Lewis stated that was an assistant football coach at Cape Henlopen and became concerned with the environment at Cape Henlopen and transferred Brandon to Sussex Tech during his ninth grade year. Mr. Lewis stated that Brandon did not want to attend Sussex Tech and that the Sussex Central basketball coach offered to transport Brandon to Sussex Central High School if they school choiced him there. Mr. Lewis stated that he did not do this because he did not want people to think he was going there for athletic reasons. Mr. Lewis then stated that he recently got married and bought a new house in Georgetown. Mr. Lewis stated that Brandon wanted to enroll at Sussex Central High School since that was now his home school. Mr. Lewis commented that he contacted the DIAA office in early May and spoke to the secretary and inquired about Brandon's eligibility. Mr. Lewis stated that the secretary advised him that because of

the change in address Brandon would be eligible to participate. Mr. Lewis explained that he was under the impression that since Brandon was in the fourth marking period he could finish school and then transfer without any penalty in eligibility. Mr. Lewis stated that he also contacted an educator in the Indian River School District who also talked to the DIAA office and confirmed that Brandon would be eligible. Mr. Lewis explained that he was the strength and conditioning coach at Sussex Tech but when he withdrew Brandon he was not asked to come back and feels it was because he withdrew Brandon. Mr. Lewis stated that he found out one week after he withdrew Brandon that he would be ineligible. Mr. Lewis explained that he was aware that he could send Brandon back to Sussex Tech and keep his eligibility but didn't think it would be in Brandon's best interest.

Mr. Charles provided testimony and answered questions regarding Student's waiver request. Mr. Charles testified that he never spoke to Mr. Lewis directly but does recall a phone call where a parent spoke to the secretary regarding whether the student could remain at Sussex Tech through the end of the school year even though they had moved. Mr. Charles stated that he reviewed DIAA Reg. 1009.2.2.1.2 and concluded that the student could remain at Sussex Tech without any impact on his eligibility. This decision was relayed to the parent by the secretary. Mr. Charles stated that he also spoke with a Board member and was asked if the change of residence exception to the transfer rule would apply when a student attends Sussex Tech and resides in the Cape Henlopen attendance zone and moves from that attendance zone to the Indian River attendance zone. Mr. Charles stated that he told the Board member that the exception would apply. Mr. Charles then explained that he was contacted by Sussex Tech who questioned the student's eligibility. Mr. Charles stated that he then looked at the situation more closely and after speaking with the sending and receiving school and seeking legal guidance he concluded that the change of residence exception did not apply unless the student leaves the attendance zone of the sending school. Mr. Charles testified that he concluded that the change of residence exception did not apply in this situation and that Brandon was not eligible for any sport that he previously participated in since he began high school. Mr. Charles also stated that he has concerns about the regulation as it is being applied and that it should be referred to the DIAA Rules and Regulations Committee and also see how the member schools feel about the regulation.

Ms. Williams commented that this situation has been very stressful for Brandon but that their main concern is preparing for his college education. Ms. Williams also stated that she and Mr. Lewis both graduated from Sussex Central High School and that Brandon wanted to go there as well.

Ms. Taylor made a motion to go into deliberation. The motion was seconded by Dr. Hawtof and carried unanimously. While in deliberation the case for Brandon Lewis was discussed. Dr. Hawtof made a motion to come out of deliberation. The motion was seconded by Ms. Taylor and carried unanimously. Mr. Montano made a motion to approve the waiver request for Brandon Lewis based on the parents moving into district, the testimony and evidence presented, Student established a hardship and

allow Student to participate in football, basketball, and track. The motion was seconded by Mr. Eliassen and carried by a vote of 10 – yes (Bedford, Montano, Eliassen, Leone, Marvel, Hyland, Coffing, Taylor, Hawtof, and Eby) 0 – no, 2 – abstention (Wagner and O'Neal).

The Board recessed at 11:15 a.m. and reconvened at 11:20 a.m.

I. Self Report by Mt. Sophia Academy

Mr. Charles explained that he was notified by Jeff Hunter from Mt. Sophia that Mt. Sophia Academy's soccer team was in violation of DIAA Reg. 1009.1.41. because they scrimmaged a non-member school. Mr. Hunter further reported Mt. Sophia's team shares a field with the non-member school and after practice the two coaches agreed to scrimmage. Mr. Charles stated that Mr. Hunter reported this violation right away. Mr. Charles stated that the penalty for this section of the Regulation is a \$500 fine but that the language refers to a game and not a scrimmage. Mr. Charles stated that his interpretation is that the \$500 fine would not apply in this situation. In response to the violation, Mr. Hunter has spoken with the coach and other coaches about the rule. Mr. Charles stated that he felt that the school had sufficiently handled this and that no further penalty should be applied. However, a letter of reprimand should be sent to the coach. Mr. Long made a motion to uphold Mr. Charles's decision. The motion was seconded by Dr. Hawtof and carried unanimously.

C. Request for a Waiver of DIAA Reg. 1009.2.7 by Seaford for C. G.

Student, Tim Lee; teacher and soccer coach, Frank Parks; volunteer FCA and School Board Member, Ivan Edmands; Division of Family Services, Tammy Witzke; foster mom and student's father were in attendance to present this request. Student requested a closed hearing. Dr. Hawtof made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Long and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 15 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Long made a motion to come out of executive session. The motion was seconded by Mr. Montano and carried unanimously. Dr. Holodick made a motion to approve the waiver request based on the evidence presented, Student established a hardship

and a clear relationship between the hardship and the students inability to complete the academic requirements for graduation within the normal time period for eligibility. The motion was seconded by Ms. Marvel and carried unanimously.

The Board recessed at 11:50 a.m. and reconvened at 12:00 noon.

D. Request for a Waiver of DIAA Reg. 1009.2.4 by Laurel for J. H.

Student, Student's mother, and Clarence Giles; Laurel High School Guidance Counselor were in attendance to present this request. Student requested a closed hearing. Dr. Hawtof made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Montano and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 15 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Dr. Hawtof made a motion to go into deliberation. The motion was seconded by Mr. Montano and carried unanimously. Ms. Leone made a motion to come out of deliberation. The motion was seconded by Dr. Hawtof and carried unanimously. Dr. Hawtof made a motion to come out of executive session. The motion was seconded by Mr. Montano and carried unanimously. Ms. Marvel made a motion to accept the waiver due to the fact that a hardship was presented by the student having a child in his senior year of high school and that he is moving ahead to support a family, graduate from high school, and potentially going to college to better himself. The motion was seconded by Mr. Holodick and failed by a vote of 5 – yes (Bedford, Montano, Leone, Marvel, and Holodick), 7 – no (Kobasa, Wagner, Eliassen, Coffing, Hawtof, Long, and Eby) and 3 – abstentions (Hyland, Taylor, O'neal).

E. Request for a Waiver of DIAA Reg. 1009.2.4 by Glasgow for D. B.

Ms. Leone recused herself from this hearing. Student and student's mother, and student's step-father were in attendance to present this request. Student's mother requested a closed hearing. Mr. Montano made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Hyland and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 14 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Dr. Hawtof made a motion to go into deliberation. The motion was seconded by Mr. Wagner and carried unanimously. Deliberations were held. Mr. Wagner made a motion to come out of deliberation. The motion was seconded by Dr. Hawtof and carried unanimously. Dr. Hawtof made a motion to come out of executive session. The motion was seconded by Ms. Taylor and carried unanimously. Mr. Montano made a motion to deny the request because Student failed to meet their burden and provide evidence sufficient to support the waiver request based on hardship or program. The motion was seconded by Ms. Taylor and carried by a vote of 12 – yes (Eby, O’Neal, Holodick, Long, Hawtof, Taylor, Hyland, Marvel, Montano, Bedford, Wagner, and Kobasa), no- (Coffing and Eliassen).

F. Request for a Waiver of DIAA Reg. 1009.2.4 by Newark for D. S.

Mr. Bedford recused himself from this hearing. Student, student’s mother, and Steve Bastianelli; athletic director for Newark High School were in attendance to present this request. Student’s mother requested a closed hearing. Mr. Montano made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Ms. Coffing and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 13 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Dr. Holodick made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Ms. Coffing made a motion to come out of deliberation. The motion was seconded by Mr. O’Neal and carried unanimously. Mr. Wagner made a motion to come out of executive session. The motion was seconded by Ms. Leone and carried unanimously. Mr. Montano made a motion to approve the waiver request based on the evidence of a hardship. The motion was seconded by Ms.

Coffing and carried by a vote of 11 – yes (Kobasa, Wagner, Montano, Elisassen, Leone, Hyland, Coffing, Taylor, Long, Holodick, and O'Neal), 1 – no (Eby), and 1 abstention (Marvel).

The Board recessed at 2:05 p.m. and reconvened at 2:15 p.m.

G. Consideration of Interim Waiver by Executive Director

4. DIAA Reg. 1009.2.6 by Lake Forest for C. P.

Ms. Fontello stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Wagner recused himself from this hearing. Mr. Eby made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Montano and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being conducted under the interim waiver modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello stated that this full hearing is scheduled for the October 14 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was sworn in. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Dr. Holodick made a motion to come out of executive session. The motion was seconded by Mr. Montano and carried unanimously. Dr. Holodick made a motion to grant the waiver based on the evidence a hardship was established and to approve the interim waivers granted by the executive director. The motion was seconded by Mr. Eby and carried unanimously. Ms. Fontello clarified that the waiver request is granted and the full hearing scheduled for October 14 is cancelled.

1. DIAA Reg. 1009.2.4 by Christiana for S. F.

Ms. Fontello stated that this matter is being considered under modified Procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Long made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Ms. Taylor and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being conducted under the

interim waiver modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello stated that this full hearing is scheduled for the October 14 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was sworn in. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Mr. Montano made a motion to come out of executive session. The motion was seconded by Ms. Taylor and carried unanimously. Mr. Long made a motion to approve the waiver request based on the evidence a hardship was established and to approve the interim waivers granted by the executive director. The motion was seconded by Mr. Montano and carried unanimously. Ms. Fontello clarified that the waiver request is granted and the full hearing scheduled for October 14 is cancelled.

2. DIAA Reg. 1009.2.4 by Newark for P. Y.

Ms. Fontello stated that this matter is being considered under modified Procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Bedford recused himself from this hearing. Dr. Holodick made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Montano and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being conducted under the interim waiver modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello stated that this full hearing is scheduled for the October 14 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was sworn in. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Mr. Montano made a motion to come out of executive session. The motion was seconded by Mr. Hyland and carried unanimously. Mr. Montano made a motion to approve the waiver request for football only based on the evidence a hardship was established and to approve the interim waivers granted by the executive director. The motion was seconded by Ms. Marvel and carried unanimously. Ms. Fontello clarified that the waiver request is granted and the full hearing scheduled for October 14 is cancelled.

3. DIAA Reg. 1009.2.4 by Newark for S. P.

Curtis Bedford recused himself from the hearing. Ms. Fontello stated that this matter is being considered under modified Procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Bedford recused himself from this hearing. Mr. Hyland made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Montano and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being conducted under the interim waiver modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello stated that this full hearing is scheduled for the October 14 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was sworn in. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Mr. Eby made a motion to come out of executive session. The motion was seconded by Mr. Montano and carried unanimously. Mr. Eby made a motion to approve the waiver request based on the evidence a financial hardship was established and to approve the interim waivers granted by the executive director. The motion was seconded by Mr. Montano and carried by a vote of 11 – yes (Montano, Kobasa, Eliassen, Leone, Marvel, Hyland, Taylor, Long, Holodick, O'Neal, Eby). Ms. Fontello clarified that the waiver request is granted and the full hearing scheduled for October 14 is cancelled.

5 DIAA Reg. 1009.2.4 by Tower Hill for S. T.

Ms. Fontello stated that this matter is being considered under modified Procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Eby made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Montano and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being conducted under the interim waiver modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello stated that this full hearing is scheduled for the October 14 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow

the student and parent not to appear. Mr. Charles was sworn in. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Mr. Montano made a motion to come out of executive session. The motion was seconded by Mr. Bedford and carried unanimously. Mr. Eby made a motion to deny the interim waiver excusing the Student's and parent's mandatory appearance because the record did not contain information sufficient to establish a hardship and a full hearing is necessary to allow the Student the opportunity to present evidence to establish a hardship. The motion was seconded by Mr. Eliassen and carried by a vote of 10 – yes (Kobasa, Montano, Eliassen, Leone, Marvel, Hyland, Taylor, Long, Holodick, and Eby) and 2 – no (Bedford and O'Neal). Ms. Fontello stated that a full hearing for the waiver request is scheduled for October 14.

6. DIAA Reg. 1009.2.4 by Tatnall for G. M.

Ms. Fontello stated that this matter is being considered under modified Procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Eby made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Montano and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being conducted under the interim waiver modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello stated that this full hearing is scheduled for the October 14 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was sworn in. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Mr. Montano made a motion to come out of executive session. The motion was seconded by Mr. Long and carried unanimously. Mr. Montano made a motion to approve the waiver request based on the evidence a hardship was established and to approve the interim waivers granted by the executive director. The motion was seconded by Mr. Eby and carried unanimously. Ms. Fontello clarified that the waiver request is granted and the full hearing scheduled for October 14 is cancelled.

7. DIAA Reg. 1009.2.4 by St. Elizabeth for P. P.

Ms. Fontello stated that this matter is being considered under modified Procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Eby made a motion to go

into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Dr. Holodick and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being conducted under the interim waiver modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello stated that this full hearing is scheduled for the October 14 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was sworn in. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Dr. Holodick made a motion to come out of executive session. The motion was seconded by Mr. Montano and carried unanimously. Dr. Holodick made a motion to approve the waiver request based on the evidence a medical hardship was established and to approve the interim waivers granted by the executive director. The motion was seconded by Ms. Leone and carried unanimously. Ms. Fontello clarified that the waiver request is granted and the full hearing scheduled for October 14 is cancelled.

8. DIAA Reg. 1009.2.4 by Middletown for D. T.

Ms. Fontello stated that this matter is being considered under modified Procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Eby made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Montano and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being conducted under the interim waiver modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello stated that this full hearing is scheduled for the October 14 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was sworn in. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Mr. Montano made a motion to come out of executive session. The motion was seconded by Mr. Eby and carried unanimously. Mr. Montano made a motion to approve the waiver request based on the evidence a hardship was established and to approve the interim waivers granted by the executive director. The motion was

seconded by Mr. Eby and carried unanimously. Ms. Fontello clarified that the waiver request is granted and the full hearing scheduled for October 14 is cancelled.

IV. Executive Director Report

A. Legal Issues

No legal issues at this time.

B. Misc.

Mr. Charles stated that he received a letter from Bob Colburn, executive director of the Delaware Baseball Coaches Association, that he would like to see the 20 game season for baseball reinstated for the 2012 year. Mr. Charles also reviewed a financial report from the Blue White Senior High School Girls All-Star Soccer game and stated that \$2,500.00 was donated to Child Inc. Mr. Charles then reviewed a thank you note from Chris Cutsail who was a Senior Scholar Award recipient and a thank you note from Bob and Pat Kanaby who is the retiring executive director from the NFHS thanking the Board for the donation towards their gift.

V. Other

VI. Public Comment

None.

VII. Adjournment

Ms. Taylor made a motion to adjourn at 3:30 p.m. The motion was seconded by Mr. Long and carried unanimously.

Tina Hurley